

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – September 2, 2003**

MEMBERS PRESENT

James Murphy
Bruce Bell
Walter Bowditch
Kenneth Charest
Joseph Herlihy
Theodore Webersinn
David Adams

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk
Kim Baker-Stetson, Licensing Clerk

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 12:45 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

No changes were made to the agenda.

OLD BUSINESS

Action on Minutes of August 5, 2003 Meeting

A motion was made by David Adams and seconded by Theodore Webersinn to approve the minutes of the August 5, 2003 meeting with an amendment indicating that David Adams abstained from voting on the June 3, 2003 minutes. Adams, Bell, Bowditch, Herlihy, Murphy, and Webersinn voted in the affirmative; Charest abstained. Motion carried.

Action on Tabled Applications/Items

See "Review and Action on Applications and Education."

NEW BUSINESS

Administrator's Report

No report available.

Complaint Officer's Report

#REA-173: A motion was made by Theodore Webersinn and seconded by David Adams to schedule an adjudicatory hearing. Adams voted in the affirmative; Bell, Bowditch, Charest, Murphy, and Webersinn voted in opposition. Motion failed.

A motion was made by Bruce Bell and seconded by Walter Bowditch to schedule an informal conference. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Adams voted in opposition. Motion carried.

A motion was made by Bruce Bell and seconded by Walter Bowditch to amend the previous motion to include a consent agreement indicating that the informal conference is subject to payment of the outstanding fees. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Adams voted in opposition. Motion carried.

A motion was made by Kenneth Charest and seconded by Walter Bowditch to include the following terms in the aforementioned consent agreement: (1) \$1500 fine; (2) 90-day license suspension; (3) administrative costs, to be determined; (4) reprimand; and (5) require that all payments are made in the form of a certified check or money order. Unanimous.

#REA-174: A motion was made by Walter Bowditch and seconded by Kenneth Charest to flag the licensee's file for non-renewal, refer the complaint to the Attorney General's Office for permanent license revocation; and refer the complaint to the appropriate officials regarding the forgery allegation. Unanimous.

#REA-167: A motion was made by Walter Bowditch and seconded by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. §14014(1)(B), 14014(1)(G), 14014(1)(I), and 14014(1)(J). Unanimous.

A motion was made by Walter Bowditch and seconded by Bruce Bell to offer a consent agreement as follows: (1) Admission to violations; (2) license revocation; (3) administrative costs, to be determined; (4) \$4000 fine (\$1000 per violation); (5) reprimand; and (6) if consent agreement is not accepted, an adjudicatory hearing will be scheduled for November 4, 2003. Unanimous.

#REA-177: A motion was made by Walter Bowditch and seconded by Kenneth Charest to offer a consent agreement as follows: (1) Reprimand; (2) completion of 50 new appraisals with new supervisor; (3) probation until next renewal; (4) Board approved basic qualifying education course with successful completion of exam; (5) 15-hour USPAP course with successful completion of exam; and (6) if consent agreement is not accepted, an adjudicatory hearing will be scheduled for November 4, 2003. Unanimous.

Review and Action on Applications and Education

NAME	APPLYING TO:	RECOMMENDATION/ACTION
BLAINE WEATHERBEE AP 658	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM QE BAL ON FILE = 119 EXP HRS SUBMITTED = 2500 FIRST LICENSED = 04/06/1992 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED</u> – MOTION BY DAVID ADAMS; SECOND BY THEODORE WEBERSINN. UNANIMOUS. AUG 5, 2003 – BOARD REVIEWED REQUESTED APPRAISALS FOR COMPLIANCE WITH Chapter 200, Section 4 AND 32 § 14002 PARAGRAPH 7 MOTION TO DENY PURSUANT TO SECTIONS 4B2 & 3B5 FAILS TO DEMONSTRATE DUE DILIGENCE; CONFLICTING CERTIFICATION OF VALUE AND DATA SOURCES
JOHN SAVARD RA 1258	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM QE BAL ON FILE = 144 EXP HRS SUBMITTED= 4000+ FIRST LICENSED = 06/06/1996 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED</u> REQUESTED APPRAISALS RECEIVED 8/26/03. KENNETH CHAREST TO REVIEW APPRAISALS AND REPORT FINDINGS AT NEXT MEETING.
ROCH ROUSSEAU	REQUEST FOR REINSTATEMENT OF CR 195 LICENSE EXPIRED: 12/31/2000 NO DISCIPLINE ON FILE FIRST LICENSED: 03/21/1991	<u>TABLED</u> – MOTION BY JOSEPH HERLIHY; SECOND BY WALTER BOWDITCH. UNANIMOUS. NO RESPONSE TO LETTER DATED JAN 14, 2003 AUG 5, 2003 -MOTION TO OFFER PRELIMINARY DENIAL
SANDRA MCCALLUM	UPGRADE FROM CERTIFIED RESIDENTIAL SIT FOR CERTIFIED GENERAL EXAM QE BAL ON FILE = 180+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 03/29/1991 ADEQUATE # OF COMMERCIAL APPR?	<u>TABLED</u> – MOTION BY WALTER BOWDITCH; SECOND BY JOSEPH HERLIHY. UNANIMOUS. AUG 5, 2003 – CHAIR TO REVIEW ASSESSING LOG FOR APPRAISAL CREDITS SEND LETTER REQUESTING NAME OF SUPERVISOR FOR COMMERCIAL WORK AND COPIES OF DETAILED NARRATIVES FROM ASSESSMENT WORK – NO <u>RESPONSE TO DATE</u>

DUKE SIMONEAU	UPGRADE FROM LICENSED APPRAISER TO SIT FOR CERTIFIED GENERAL EXAM QE BAL ON FILE = 200+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 07/31/2000 ADEQUATE # OF COMMERCIAL APPR?	<u>TABLED</u> AUG 5, 2003 – BOARD REQUESTED 6 APPRAISALS FOR REVIEW – <u>NOT RECEIVED TO DATE</u>
KURT HOWGATE	UPGRADE FROM LICENSED APPRAISER TO SIT FOR CERTIFIED RESIDENTIAL EXAM QE BAL ON FILE = 160+ EXP HRS SUBMITTED = 3000+ FIRST LICENSED = 03/09/1999 ADEQUATE # OF MAJOR/COMPLEX APPR?	<u>TABLED</u> AUG 5, 2003 – BOARD REQUESTED 6 APPRAISALS FOR REVIEW – WALTER BOWDITCH TO REVIEW AND REPORT FINDINGS AT NEXT MEETING.
ADAM BROOKS	TO OBTAIN PREVIOUSLY HELD CG LIC WHICH EXPIRED 12/31/1999 BY USING PREVIOUS EDUCATION AND EXPERIENCE HAS DOCUMENTED 18 HOURS OF QE HAS DOCUMENTED 3000 HOURS OF EXPERIENCE UNDER PAT AMIDON	HE IS BEYOND THE THREE YEAR REINSTATEMENT WINDOW. HE DOES NOT HOLD AN APPRAISAL LICENSE WITH MAINE OR ANY OTHER STATE, SO HE CANNOT BE GRANTED A RECIPROCAL, CR OR CG, BUT AP LICENSE DOES NOT REQUIRE THAT APPLICANT HOLD AN APPRAISAL LICENSE, SO HE COULD USE HIS PREVIOUS EXPERIENCE AND EDUCATION AND THEN REAPPLY FOR THE CG LICENSE. SHOULD TAKE A CURRENT USPAP AND SIT FOR EXAM(S). REQUIRED TO PASS AP EXAM. RECOMMENDED USPAP COURSE.

Action on Out of State Travel – AARO Fall Conference

A motion was made by Walter Bowditch and seconded by Bruce Bell to approve out of state travel for Theodore Webersinn to attend the AARO Fall Conference scheduled for October 25-28, 2003 in Washington, DC. Unanimous.

Correspondence

No correspondence.

Next Meeting Scheduled for October 7, 2003

OTHER BUSINESS

Being no further board business the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk